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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,249	03/07/2000	Richard Henry Weese	99-009	9888

7590 12/07/2001

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EXAMINER

MICHL, PAUL R

ART UNIT	PAPER NUMBER
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1714

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DATE MAILED: 12/07/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-31 is/are pending in the application.
- Of the above claim(s) 7-17 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-6, 18-31 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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Pursuant to a telephone conversation on November 26, 2001, applicants' attorney, Paul Chirgott, elected claims 1-6 and 18-31 and elected as the species alkyl methacrylate, both elections made without traverse.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-6 and 18-31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Vaughn or Takahashi or Chen or Gujarathi or Grimm.

Claims 1-6 and 18-31 are rejected under 35 U.S.C. § 102(e) as being anticipated by Lee or Thames or Selvarajan or Belik or Pavlyuchenko. All of these references are cited by the Examiner on the Form 892. Applicants' claims are directed to a composition comprising polymer and water. The claimed composition may be in the form of an emulsion or in the form of a coagulated slurry. The polymer may be a graft polymer. All of these references disclose compositions comprising water and polymer having the recited amount of polymer. See the Abstract of Vaughn. Takahashi discloses graft polymer in the Abstract. See the Abstract of Chen. See the Abstract of Gujarathi. Grimm discloses coagulated slurry in the Abstract. See the Abstract of Lee. See the Abstract of Thames. See the Abstract and claim 1 of Selvarajan. See the Abstract of Belik. See the Abstract of Pavlyuchenko. Pavlyuchenko is a multistage polymer as recited in claims 20 and 21.

Claims 1-6 and 18-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaughn or Takahashi or Chen or Gujarathi or Grimm or Lee or Thames or Selvarajan or Belik or Pavlyuchenko. Applicants' claims recite that the composition comprises 5 to 70% polymer. It would be obvious to one of

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ordinary skill in the art to formulate aqueous compositions comprising 5 to 70% polymer in any of these references. The motivation is that it is within the skill of one in the art to select a suitable percentage of polymer in an aqueous polymer composition.


Applicants' claims 18-31 were presented in a preliminary amendment dated November 20, 2000.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Michl whose telephone number is (703) 308-2451. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 4 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for this Group is (703) 305-5885.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2351.

PRMichl:cdc
November 27, 2001


PAUL R. MICHL
PATENT EXAMINER
ART UNIT 156